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MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO IL 60606

In re Patent No. 7,119,262 : DECISION UNDER 37 CFR
Issued: October 10, 2006 : 1.705(d)
Application No. 08/903,944 :
Filed: July 31, 1997 :
Atty. Dkt. No.: 089166/0107 :

This is a decision on the "Request for Reconsideration of Patent Term Adjustment," filed November 7, 2006. This matter is being properly treated under 37 CFR 1.705(d) as an application for patent term adjustment.

The application for patent term adjustment ("PTA") under 37 CFR 1.705(d) is **DISMISSED**.

The above-identified application matured into U.S. Patent No. 7,119,262 on October 10, 2006. The instant request for reconsideration was timely filed November 7, 2006 in accordance with 37 CFR 1.705(d). The patent issued with a PTA of 519 days. Patentees argue that the patent is entitled to an adjustment of 923 days.

At the time of issuance, the adjustment totaling 1,047 days was reduced 528 days for applicants' failure to engage in reasonable efforts to conclude prosecution or processing.

Patentees contest the reduction of 35 days. The adjustment, however, was properly reduced 35 days in accordance with 37 CFR 1.704(c)(10) in connection with the drawing submitted September 6, 2006. Submission of an amendment under 37 CFR 1.312 or other paper, including drawings, after a notice of allowance has been given or mailed as a circumstance that constitutes a failure of an applicant to engage in reasonable efforts to conclude processing or examination of an application. See, *Clarification of 37 CFR 1.704(c)(10) - Reduction of Patent Term Adjustment for Certain Types of Papers Filed After a Notice of Allowance has been Mailed*, 1247 Off. Gaz. Pat. Office 111 (June 26, 2001). See, also, MPEP 2732.

Accordingly, the reduction in connection with the drawing began September 6, 2006, the date the drawings submitted, and ended October 10, 2006, the date the patent issued.

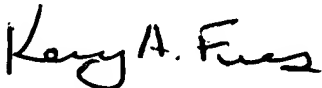
Patentees further raise the issue of adjustments and/or reductions that occurred prior to the mailing of the Notice of Allowance. Patentees are reminded that any request for reconsideration under 37 CFR 1.705 that raises issues that were raised, or could have been raised, in an application for patent term adjustment under 37 CFR 1.705(b) shall be dismissed as untimely as to those issues. Accordingly, reconsideration of adjustments and/or reductions that occurred prior to the mailing of the Notice of Allowance is dismissed.

In view thereof, the patent is entitled to an overall adjustment of 519 days, as indicated on the patent:

The Office hereby acknowledges receipt of the required patent term adjustment application fee of \$200.00.

Any request for reconsideration of this decision must be submitted within TWO MONTHS of the mail date of the instant decision indicated above. Extensions under 37 CFR 1.136 will not be permitted.

Telephone inquiries specific to this matter may be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.



Kery Fries
Senior Patent Attorney
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy